

Remarks

The present response is to the Office Action mailed the above-referenced case on February 02, 2005. Claims 1-24 are presented below for examination. The Examiner has objected to claims 3 and 15, and has rejected claims 1-24 under 35 U.S.C. 112, second paragraph for being indefinite. Claims 1, 4, 5, 13, 16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Gruber et al. (U.S. Patent Application Publication 2002/0029179), hereinafter Gruber. Claims 2, 3, 6, 7, 14, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruber. Claims 8-12 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruber and Cohen (U.S. 6,422,462), hereinafter Cohen.

Applicant has carefully studied the references provided by the Examiner, and the Examiner's objections, rejections and statements of the instant Office Action. Responding to the Examiner's objections and rejections due to informalities, applicant herein provides appropriate amendment to the claims to overcome the objections and rejections.

In response to the Examiner's merit rejections of applicant's claims, applicant herein slightly amends the language of the base claims to more particularly point out and distinctly claim the subject matter of applicant's invention regarded as patentable. Applicant further provides argument to more particularly point out to the Examiner the patentable subject matter of applicant's invention as recited in the claims as amended which, based on the Examiner's rejections and statements, appears to have been misunderstood or overlooked by the Examiner upon examination of applicant's claims.

Applicant's claim 1 is herein amended to more specifically recite the nature of obtaining online specific information about qualified end recipients of donations, and the donor making donations directly to accounts associated with specific selected end recipients. The language of some of the depending claims is also amended to agree in

language with their respective parent claim as amended herein. For convenience, applicant reproduces independent claim 1 below as amended.

Claim 1 as amended now recites:

1. *(currently amended) A system for direct donation, comprising:*
an Internet-connected server accessible by potential donors using an Internet browser;
a data store accessible to the server and storing information about potential recipients pre-qualified for donations; and
a software suite executing in the server, comprising at least a first facility enabling a potential donor to obtain online specific information about qualified end recipients of donations, and a second facility enabling the same donor to select the end recipient and make a donation directly to an account associated with the selected specific end recipient.

Claim 13 recites applicant's method for practicing the invention in accordance with the limitations of claim 1. Applicant accordingly amends the language of claim 13 similarly to claim 1.

Regarding claim 1, 4, 5, 13, 16 and 17, the Examiner has stated that Gruber teaches applicant's system for direct donations comprising all of the specific limitations of applicant's claim, including enabling a donor to make a donation to the selective recipient (figures 2 and 8-10). Applicant's independent claims however, now specifically recite obtaining online specific information about qualified end recipients of donations, and the donor selecting the end recipient and making a donation directly to an account associated with the selected specific end recipient.

The ability for a donor to selectively choose a specific end recipient for donations, and make payment directly to an account associated with the selected individual, family or organization, is considered a key aspect, and at the heart of applicant's invention. The

expected result of applicant's invention, which is clearly not achieved in the invention of Gruber, is enabling donor selection of end recipients for donations, and making direct payment to the selected end recipient, thereby bypassing the need for management of donations and payments by any third party, such as charitable, fund-raising organizations or their agents.

Referring now to applicant's specification with reference to figure 4 and supporting description of the specification, potential donors may gain access to details of individual persons and families associated with certain disasters or other projects, and can now make contributions directly and immediately to accounts associated with those particular qualified recipients meeting the donor's own particular criteria for donating. In applicant's invention the donor's payment to the end recipient is made directly to the selected persons, family or organization, not to a fund-raising charitable organization or other such institution, which pools, manages and disperses the donations according to their own criteria and overhead expenses, etc, not necessarily to the criteria of the donor. Direct donor payment to selected end recipients eliminates the donor's dependency upon anonymous managers representing fundraising organizations for dispersing the donated funds. Applicant's unique invention is intended to solve the problem of having to deal with third party charitable organizations, which the invention of Gruber does not address at all.

Further, applicant's architecture and software enables direct communication between the donor and the end recipient, if both parties are amenable to this. The potential donor may desire such direct communication in order to elicit other information not immediately available to the donor using the system, in order to resolve any issues or problems or for any other of many possible reasons.

The reference of Gruber on the other hand, clearly teaches that the donations are solicited by, and made by the donor to the charitable or fund-raising organization, not to the selected specific end recipient, as in applicant's invention. Referring to figure 2 of Gruber, a framework within which the donor enters an organization's Web site is described, the organization being a charitable organization, a non-profit organization, a

political action committee (PAC), a political campaign, and so on (paragraphs 0036, 0037). Such organizations are clearly not the intended end recipient of donations made, because the specifics of disbursement of payments to the end recipient are managed by the institutions, not selected by the donor, as in applicant's invention. There is no specific teaching of a donor being enabled to make a financial donation directly to a selected specific end recipient. In fact, the teaching in Gruber of the specifics of donation and payment method is at best vague and inconclusive, and clearly does not anticipate applicant's specific teaching of direct payment to the end recipient, as is taught in applicant's invention and now specifically recited in applicant's claims as amended.

The system taught in Gruber is directed towards providing the donor the ability to obtain information pertaining to a charitable cause, and more importantly, recognition for donating (virtual plaques, paragraphs (0038-0045), as well as the ability to provide such as friends and family with information pertaining to the charitable fundraising cause, etc. Gruber therefore clearly teaches an alternative invention for solving an alternative problem and providing an alternative expected result, which does not provide for a proper 102(e) rejection.

Applicant therefore firmly believes that the independent claims as amended and argued above are now clearly and unarguably patentable over the reference of Gruber. The Examiner has given an obviousness rejection of claims 2, 3, 6, 7, 14, 15 and 19 as being unpatentable over Gruber, and has rejected claims 8-12 and 20-24 as being unpatentable over Gruber and Cohen. All of the claims are depending claims, and as the reference of Gruber has been demonstrated as an improper primary reference in view of applicant's above claim amendments and argument presented, depending claims 2-12 and 14-24 are then patentable as amended to overcome the objection and rejection due to informalities, or on their own merits, or at least as depended from a patentable claim.

As all of the claims standing for examination have been demonstrated to be patentable as amended over the art of record, applicant respectfully requests reconsideration, and that the present case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this response, such

extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
Mark Andrew Boys

by 
Donald R. Boys
Reg. No. 35,074

Central Coast Patent Agency
P.O. Box 187
Aromas, CA 95004
(831) 726-1457